

## Taking no further action

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### When the panel makes the first sanction decision in a case

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The Fitness to Practise Committee does have a discretion to take no further action and impose no sanction immediately after it has first decided that a nurse, midwife or nursing associate's fitness to practise is impaired. However, the panel will use this discretion only in rare cases, and it will need to explain its decision very clearly.

This is because as part of its decision about fitness to practise, the panel must already have decided that the nurse, midwife or nursing associate:

- presents a continuing risk to patients
- was responsible for conduct or failings that undermined the public's trust in nurses, midwives or nursing associates, or
- breached one of the fundamental tenets of the professions.

Any one of those factors, or more than one, may apply in a particular case. They will usually mean that to achieve our overarching objective of public protection, the panel needs to take action to secure patient safety, to secure public trust in nurses, midwives and nursing associates, or to promote and maintain proper professional standards and conduct.

So before taking no further action, the panel will need to explain in detail why it is appropriate to do so, even though it has decided that the nurse, midwife or nursing associate's fitness to practise is currently impaired. It will need to carefully identify the circumstances, along with clear and reliable evidence that supports its approach.

### On review of an existing sanction order

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When the Fitness to Practise Committee is reviewing an existing sanction order against a nurse, midwife or nursing associate, the panel first has to decide whether the nurse, midwife or nursing associate's fitness to practise is still impaired.

If the panel decides that the nurse, midwife or nursing associate's fitness to practise is still impaired, in some circumstances, taking no action and allowing the order to expire can be the best way to protect the public from the concerns about a nurse, midwife or nursing associate's practice.

We explain these circumstances, and how to decide when this will be the best way to make sure the public remains protected, in our [guidance on allowing orders to expire when a nurse, midwife or nursing associate's registration will lapse](#).